

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-00191-JTN

v.

Hon. Janet T. Neff

MATTHEW WOODARD #13892-040,

Defendant.

**ORDER LIFTING STAY AND SCHEDULING PROCEEDINGS
ON MOTION FOR SENTENCE MODIFICATION**

Defendant previously moved for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) on the basis of Amendment 782 of the Sentencing Guidelines, made retroactive by the Sentencing Commission. Defendant's motion was held in abeyance to enable the Court to reach motions made by defendants with earlier release dates. Defendant's motion is now ripe for consideration. This motion will be considered by the Court in accordance with the "Procedures for Handling Motions for Sentencing Modifications Under 18 U.S.C. § 3582(c)(2), (Amendment 782)" adopted by the Court on September 12, 2014. IT IS HEREBY ORDERED:

- A. The order holding this case in abeyance is vacated.
- B. The government is not required to respond to the pending motion at this time, but shall make a submission to the Court as set forth in paragraph D below.
- C. The Probation Office shall prepare a Sentence Modification Report addressing the following issues:
 - (1) a brief procedural history of sentencing decisions, including whether the original sentence was imposed under *Booker*, reflected any departures or variances, or was reduced under U.S.S.G. § 5K1.1 or Rule 35(b);
 - (2) the original Guideline calculation and a recalculation of the Guideline range in accordance with U.S.S.G. § 1B1.10(b)(1);

(3) a statement whether the movant is an *eligible defendant* and the basis for that conclusion;

(4) a statement whether the movant received credit in anticipation of Amendment 782 based on a variance;

(5) any information readily available to Probation from the BOP concerning defendant's post-sentencing conduct or misconduct;

(6) any information available to Probation concerning the danger to any person or the community that may be posed by a reduction in defendant's sentence;

(7) a recommendation for disposition of the motion.

The report shall be submitted to the Court in accordance with this Court's practices established for consideration of such motions, which generally give preference to those movants with the earliest release dates, and must be served on all parties.

D. Defendant may file a brief and supporting documents within 21 days of service of the sentence modification report addressing any legal or factual issues relevant to the motion. The government may file its brief and supporting materials, addressed to the same issues, within 21 days of service of defendant's brief. Submissions may not exceed 20 pages, including attachments.

E. At any time before a decision on the motion, the parties may file with the Court a joint recommendation for disposition of the motion, understanding that the ultimate decision is in the Court's discretion.

F. A hearing on defendant's motion will be conducted only if specifically ordered by the Court.

IT IS SO ORDERED.

Dated: October 27, 2015

/s/ Janet T. Neff
United States District Judge